

**Amended 10/10/08**

AGENDA\*  
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING  
Alabama Department of Environmental Management (ADEM) Building  
Alabama Room (Main Hearing Room)  
1400 Coliseum Boulevard  
Montgomery, Alabama 36110-2059  
Friday, October 17, 2008  
11:00 a.m.

<u>ITEM</u>	<u>PAGE</u>
1. Elections	2
2. Consideration of minutes of meeting held on August 22, 2008**	2
3. Report from the Director	2
4. Report from the Commission Chair	2
5. Report from the Strategic Planning Ad Hoc Committee	2
6. Consideration of adoption of proposed amendments to the Division 6 – Water Quality Regulations (NPDES-Related Matter)	2
7. Utilities Board of the City of Andalusia v. ADEM EMC Docket No. 08-06 (NPDES-Related Matter)	2
8. Valley Brook Estates, LLC v. ADEM EMC Docket No. 08-05 (NPDES-Related Matter)	2
9. Friends of Hurricane Creek and Alabama Rivers Alliance, Inc. v. ADEM, and Tuscaloosa Resources, Inc., Intervenor EMC Docket No. 08-01 (NPDES-Related Matter)	3
10. Tuscaloosa Resources, Inc. v. ADEM EMC Docket No. 08-08 (NPDES-Related Matter)	3
11. Tuscaloosa Resources, Inc. v. ADEM EMC Docket No. 08-09 (NPDES-Related Matter)	3
12. Other business	3
13. Future business session	3

\* The Agenda for this meeting will be available on the ADEM website,  
[www.adem.alabama.gov](http://www.adem.alabama.gov), under EMC Information and Calendar of Events.

\*\* The Minutes for this meeting will be available on the ADEM website  
under EMC Information.

1. ELECTIONS

The Commission will hold elections for Commission Chair and Vice Chair and Committee Chairs and memberships.

2. CONSIDERATION OF MINUTES OF MEETING HELD ON AUGUST 22, 2008

3. REPORT FROM THE DIRECTOR

4. REPORT FROM THE COMMISSION CHAIR

5. REPORT FROM THE STRATEGIC PLANNING AD HOC COMMITTEE

6. CONSIDERATION OF ADOPTION OF PROPOSED AMENDMENTS TO THE DIVISION 6 – WATER QUALITY REGULATIONS (NPDES-RELATED MATTER)

The Commission will consider proposed amendments to the Division 6 – Water Quality Regulations. The Department proposes to amend rule 335-6-10-.07, Toxic Pollutant Criteria Applicable to State Waters, Appendix A to revise the reference doses for acrolein and phenol to be consistent with the values in the United States Environmental Protection Agency's Integrated Risk Information System (IRIS). The Department held a public hearing on the proposed amendments on September 4, 2008.

7. UTILITIES BOARD OF THE CITY OF ANDALUSIA V. ADEM, EMC DOCKET NO. 08-06 (NPDES-RELATED MATTER)

The Commission will consider a "Joint Motion to Continue of the Utilities Board of the City of Andalusia and the Alabama Department of Environmental Management" in this appeal concerning the Utilities Board of the City of Andalusia, Andalusia Riverside Wastewater Treatment Facility, NPDES Permit AL0055417, Covington County.

8. VALLEY BROOK ESTATES, LLC V. ADEM, EMC DOCKET NO. 08-05 (NPDES-RELATED MATTER)

The Commission will consider the "Request for Oral Argument" filed with the "Petitioner's Rule 335-2-1-.28 Objection to Hearing Officer's Recommendation to Grant Department's Motion to Dismiss." The Commission will also consider the Administrative Law Judge's (ALJ's) "Order on Motion to Dismiss" and the ALJ's Recommendation in said Order that the Commission grant Respondent ADEM's "Motion to Strike and Motion to Dismiss" in this appeal concerning ADEM Administrative Order 08-182-MNPS issued on July 28, 2008, to Valley Brook Estates, Irondale, Jefferson County, NPDES ALR167329.

9. FRIENDS OF HURRICANE CREEK AND ALABAMA RIVERS ALLIANCE, INC. V. ADEM, AND TUSCALOOSA RESOURCES, INC., INTERVENOR, EMC DOCKET NO. 08-01 (NPDES-RELATED MATTER)

The Commission will consider Petitioners Friends of Hurricane Creek and Alabama Rivers Alliance, Inc.'s "Request for Oral Argument" filed with their "Objections to Hearing Officer's Recommendation." The Commission will also consider the "Recommendation of the Administrative Law Judge on Motion to Dismiss" in this appeal concerning ADEM's reissuance of Tuscaloosa Resources, Inc., Panther Mine No. 3, NPDES Permit No. 0074012, Tuscaloosa County, effective October 2, 2007.

10. TUSCALOOSA RESOURCES, INC. V. ADEM, EMC DOCKET NO. 08-08 (NPDES-RELATED MATTER)

The Commission will consider Alabama River Alliance, Inc. and Friends of Hurricane Creek, Inc.'s "Request for Oral Argument" and their "Emergency Motion for Intervention." The Commission will also consider Petitioner Tuscaloosa Resources, Inc.'s (TRI's) "Amendment of Motion to Stay Action Pending Issuance of Order" and "Motion to Stay Pending Issuance of Order" in this appeal concerning ADEM's revocation of TRI, Panther Mine No. 3, NPDES Permit No. 0074012, Tuscaloosa County, effective August 28, 2008, and reissuance of a new NPDES Permit to TRI also denoted as Permit No. AL0074012 having different discharge limits, terms, and conditions. TRI is requesting that the effective date of the Reissued Permit AL0074012 be stayed pending issuance of a final order by the Commission in this appeal and that they be allowed to continue to operate under the Previous Permit AL0074012 issued October 6, 2007.

11. TUSCALOOSA RESOURCES, INC. V. ADEM, EMC DOCKET NO. 08-09 (NPDES-RELATED MATTER)

The Commission will note for the record Petitioner Tuscaloosa Resources, Inc.'s (TRI's) withdrawal of the request for hearing in this matter concerning ADEM's inclusion of certain discharge limitations, terms, and conditions in TRI, East Brookwood Mine, NPDES Permit No. AL0074349, Tuscaloosa County. The issuance date for this permit shown in the request for hearing is August 28, 2008. Since ADEM had not issued this permit yet, TRI has withdrawn this request for hearing.

12. OTHER BUSINESS

13. FUTURE BUSINESS SESSION